

E-FILED - 11/30/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD C. BELL,)	No. C 10-4185 RMW (PR)
)	
Petitioner,)	ORDER OF TRANSFER
)	
v.)	
)	
GARY SWARTHOUT, Warden,)	
)	
Respondent.)	
_____)	

Petitioner, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks habeas relief from the execution of his sentence. At the time petitioner filed this petition, he was in custody at California State Prison - Solano, which lies in the Eastern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging the manner in which a sentence is being executed are preferably heard in the district of confinement. See Habeas L.R. 2254-3(b)(1); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Here, the Eastern District of California is the district of confinement.

Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern District of California, the district of petitioner's confinement when he filed this petition. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). The clerk shall terminate all pending

1 motions from this court's docket and transfer the entire file to the Eastern District of California.

2 IT IS SO ORDERED.

3 DATED: 11/30/10


RONALD M. WHYTE
United States District Judge